IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4311 of 2005

Between:

B. Ananthaiah, S/o. Dairnappa,
Adoni Depot, Kurnool District.

..... PETITIONER

AND

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1 The APSRTC, rep. by its Regional Manager, Kurnool.
2 The Divisional Manager, APSRTC, Kurnool.
3 The Divisional Manager, APSRTC, Nandyal.
4 The Depot Manager, APSRTC, Adoni Depot, Kurnool

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a Writ, order or direction, especially in the nature of writ of Mandamus declaring the proceedings No. P1/255(1)/04-ADN, dt. 03.02.2005 of the 4th respondent herein as illegal, arbitrary and violative of Articles 14, 16 of the Constitution of India and consequently direct the respondents herein to fix the petitioner in the Express Chart by duly taking into his seniority in Nandyal Division as well as in Sri Brahmaramba Mallikarjuna Swamy Devastanam, Srisailam Transport Division and to pass such other order or further orders under the circumstances of the case.

Counsel for the Petitioner: MR.T.V.S.KUMAR

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following :

ORDER:

Challenging the proceedings No. P1/255(1)/04-ADN, dated 03.02.2005 of the 4th respondent , the petitioner filed the present writ petition.

Initially the petitioner was appointed as conductor in the Transport Wing of Sri Bramaramba Mallikarjuna Swamy Devastanam on 1-6-1974. He was absorbed by the APSRTC vide proceedings dated 20-11-1989 and allotted to Atmakur Depot of Nandyal Division. As per his seniority, the petitioner's name was added in the Express Chart and subsequently the first respondent passed orders posting the petitioner at Adoni Deport in Kurnool Division. When the name of the petitioner was deleted from the express chart, he submitted a representation. Since no action has been taken on the representation of the petitioner, he filed W.P.No.2302 of 2003 before this court. This court by order dated 17-2-2003 disposed of the writ petition directing the respondent to pass appropriate orders on the representation submitted by the petitioner. Thereafter, the fourth respondent passed the impugned orders. Challenging the same, the present writ petition has been filed.

Heard learned counsel for the petitioner and learned Standing counsel for the respondents.

The learned counsel for the petitioner contended that when blanks arise, as per the circular instructions the Deport Manager has to consider the case of the petitioner for express chart, counting his previous service in Srisailam Devasthanam also. But, without considering the same, the impugned order has been passed.

On the other hand, the learned Standing Counsel for the respondents contended that the petitioner's service seniority was maintained in the Nandyal Division and taking the seniority in Kurnool Division, the berths in the express chart will be maintained and hence the impugned order does not suffer from any legal infirmity.

As per the circular instructions issued by the Divisional Manager, Kurnool dated 22-12-1993, all the Deport Managers of Kurnool Division shall consider the cases of conductors appointed from Srisailam Devasthanam for express chart counting their previous service in Srisailam Devasthanam also when blanks arise. No doubt the impugned order clearly shows that the petitioner is presently working at Adoni, Kurnool Division whose seniority is maintained in erstwhile Nandyal Division for fixation of his name in express chart of Adoni Depot cannot be considered as per existing circular instructions. Further, the then Divisional Manager, Kurnool, has also advised the Depot Mangers, if any eligible conductor from Srisailam Devasthanam now in RTC claims for berth in express chart, he will be placed only if blank arises next.

Since the order passed by the Depot Manager is inconsonance with the order passed by the Divisional Manager, Kurnool, the same does not suffer from any legal infirmity. However, it is made clear that the petitioner's case shall be considered, only if there is any blank arise.

With the above observations, the Writ Petition is disposed of. No costs.

K.C. Bhanu, J.

7th April 2005

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To

1 The APSRTC, rep. by its Regional Manager, Kurnool.
2 The Divisional Manager, APSRTC, Kurnool.
3 The Divisional Manager, APSRTC, Nandyal.
4 The Depot Manager, APSRTC, Adoni Depot, Kurnool

District.

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